

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERNESTO SANTIAGO,)	
Plaintiff,)	
)	
v.)	C.A. No. 04-335Erie
)	
UNITED STATES OF AMERICA,)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff, a prisoner, brings this action under the Federal Tort Claims Act. Plaintiff has filed a motion for appointment of counsel. Document # 10. Besides requesting counsel, Plaintiff details several evetns, which although “at first glance they may seem petty and small,” he alleges that such events “reflect subtle forms of retaliation” against him and seeks an injunction to prevent future retaliation. Plaintiff has also filed a “Motion for direction from the Court” requesting assistance and explanation of court-imposed deadlines. Document # 13.

This Court held a hearing on the motion on September 1, 2005. At the hearing, Plaintiff’s ongoing concerns were addressed and resolved on the record by counsel for the government. In light of the hearing held, the motion should be dismissed as unnecessary.

AND NOW, this 6th day of September, 2005:

IT IS HEREBY ORDERED that Plaintiff’s request for injunctive relief to prevent future retaliation [Document # 10] is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Plaintiff’s “motion for direction from the court” [Document # 13] is DISMISSED in light of the telephonic hearing held this day.

IT IS FURTHER ORDERED that the parties are allowed ten days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3B. Failure to appeal within ten days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge